

**DEPARTMENT OF JUSTICE**  
**HB 166: Additional .5 FTE Prosecutor for Fish and Game Cases**

**Background**

The Prosecution Services Bureau (PSB) of the Montana Department of Justice provides prosecution assistance to Montana's 56 counties. At the request of local county attorneys, PSB attorneys handle criminal cases and give advice, including assistance with legal research, analysis and strategy.

The 2001 Legislature authorized a .5 FTE position in the Department of Justice to prosecute criminal cases involving violations of Title 87 MCA and related violations. The experience of the PSB since 2001 has included the handling of the cases involving illegal activity in multiple counties, cases involving numerous and varied wildlife and commercial wildlife offenses, and cases involving important constitutional issues. And in the past two years, the PSB has filed two major illegal outfitting cases, neither of which is yet resolved.

These larger cases require a specialized knowledge and expertise regarding the pertinent law. Local prosecutors often do not have the resources to handle these larger, lengthy cases. Because of the increase in larger, commercially-based fish and game cases, the existing PSB half-time position is unable to efficiently handle the demand for prosecution in this area.

**Purpose of HB 166**

The prosecution assistance provided by the PSB supports the enforcement efforts of the Montana Department of Fish, Wildlife, and Parks, the prosecution efforts of local prosecutors, and the general protection of Montana's wildlife resources. HB 166 would give the PSB the equivalent of a fulltime FTE for more of this assistance and support.

By reducing the amount of poaching – especially by those who basically sell the opportunity to illegally kill Montana's wildlife – increased prosecution benefits the legal and legitimate hunters and anglers in our state, as well as the many associated businesses.

Protecting our wildlife resources through timely prosecution of illegal activity has become more than a part-time effort. With the equivalent of a full FTE, the prosecution effort can address cases more quickly, reducing the loss of cases due to the statute of limitations.

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